

2. Plaintiff's Computer Fraud claim fails because she has not experienced any recoverable damages and, alternatively, due to her inability to prevail on her Fair Credit and Reporting Act claim.

3. In further support of this Motion, COAF relies on its Memorandum of Law in Support of Motion to Dismiss, which is being filed contemporaneously herewith, and is adopted and incorporated the same as if fully set forth herein.

WHEREFORE, Defendant COAF respectfully requests that this Court dismiss this action.

Dated August 24, 2011

Respectfully Submitted,

/s/ Joshua H. Threadcraft

Joshua H. Threadcraft

Edward D. Cotter

Attorneys for Defendant

CAPITAL ONE AUTO FINANCE

OF COUNSEL:

BURR & FORMAN LLP

420 North 20th Street

Suite 3400

Birmingham, AL 35203

Telephone: (205) 251-3000

Facsimile: (204) 458-5110

jthreadc@burr.com

ecotter@burr.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand delivery, fax or email on this the 24th day of August, 2011:

Earl P. Underwood, Jr.
Underwood & Riemer, P.C.
21 South Section Street
Fairhope, Alabama 36532
Telephone: (251) 990-5558
Facsimile: (251) 990-0626
epunderwood@alalaw.com

R. Frank Springfield
Zachary D. Miller
BURR & FORMAN LLP
420 North 20th Street
Suite 3400
Birmingham, AL 35203
Telephone: (205) 251-3000
Facsimile: (204) 458-5110
jthreaddc@burr.com
ecotter@burr.com

/s/ Edward D. Cotter
OF COUNSEL